PATENT  
HMD2000-1#5  
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12.3.02**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Thomas N. Giaccherini, et al.

Examiner:

Serial No.: 09/579,324

Group Art Unit: 2731

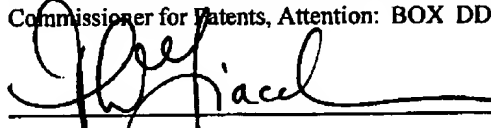
2662

Title: **Method for Utilizing  
Excess Communications Capacity**

Filed: 25 May 2000

**CERTIFICATE OF MAILING UNDER 37 C.F.R. SECTION 1.8**

The undersigned hereby certifies that this document is being transmitted to the United States Patent Office in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to The Assistant Commissioner for Patents, Attention: BOX DD, Washington, D.C. 20231.

  
Thomas N. Giaccherini, Registration No. 31,075Date 21 Dec  
02.**SECOND DISCLOSURE STATEMENT**

The Assistant Commissioner for Patents  
Box DD  
Washington, D.C. 20231

Sir:

The Applicants submit this Second Disclosure Statement and completed Form PTO/SB/08A for their pending U.S. Patent Application.

Second Disclosure Statement for U.S. Patent Application entitled  
Method for Utilizing Excess Communications Capacity  
U.S.S.N. 09/579,324  
HMD2000-1

### DISCLOSURE DOCUMENT

U.S. Patent No. 5 406 626 issued to Ryan discloses a radio receiver for information dissemination using sub-carrier.

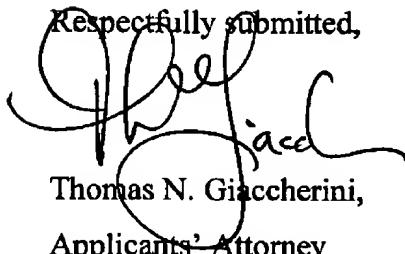
### CERTIFICATION

Each item of information contained in this Second Information Disclosure Statement was discovered not more than three months prior to the filing of this Second Information Disclosure Statement. This Disclosure Statement is also being submitted before the receipt of the First Office Action for the present Application.

### CONCLUSION

The Applicants submit that none of the documents described above disclose the Invention as claimed in the present Patent Application. The Applicants believe that no fee is required to submit this Second Disclosure Statement.

Respectfully submitted,



Thomas N. Giaccherini,  
Applicants' Attorney

Registration No. 31,075

2 Dec 02.

Second Disclosure Statement for U.S. Patent Application entitled  
Method for Utilizing Excess Communications Capacity  
U.S.S.N. 09/579,324  
HMD2000-1

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Transmitted to the United States Patent Office  
by facsimile on Monday, 2 December 2002  
with a Rule 8 Certificate.

Accompanied by one page of Form PTO/SB/08A.

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2 December 2002

**FACSIMILE TRANSMISSION  
SECURITY COVER SHEET**

12/02/02

**To: The United States Patent Office**  
Group Art Unit 2662  
Crystal City, Virginia  
Attention: Examiner Hassan Kizou

Fax No.: 703.872.9314  
Tel No.: 703.305.4744

**From: Thomas N. Giaccherini**  
Post Office Box 1146  
Carmel Valley, California 93924

**Re: Submission of Disclosure Statement**  
for USSN 09/579,324

This transmission comprises this transmittal sheet and 4 additional pages.

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